UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

May 7, 2007

Reply To
Attn Of: 1910 Northwest Blvd. Suite 208

Gary Honeyman
Manager Environmental Site Remediation
Union Pacific Railroad Company
221 Hodgeman
Laramie, WY 82072

Bruce Sheppard
The Burlington Northern and
Santa Fe Railway Company
2454 Occidental Avenue South, Suite 1A
Seattle, WA 98134

Re: "Element of Work Engineering Evaluation/Cost Analysis Response Action Under the Comprehensive Environmental Response, Compensation, and Liability Act, Wallace Yard and Spur Lines" prepared by MFG Consulting Scientists and Engineers, dated February 2007.

Dear Messrs. Honeyman and Sheppard:

Please find enclosed comments from the U.S. Environmental Protection Agency (EPA) on the above referenced document. These comments are both general and specific in nature and include those from the Idaho Department of Environmental Quality (IDEQ).

This version represents the second complete revised edition of the above referenced document in addition to several iterations of comments and discussions shared amongst the parties. While this document is a significant improvement over the last version and is more closely in line with the remedy in the OU-3 ROD, it still contains a number of inconsistencies, which are noted in the comments below. EPA is greatly concerned about the lack of closure on a few significant issues and the arduous path that has been taken to address them. We need to discuss if UP and BNSF are willing and able to complete this document in the next iteration or if this work should be carried out directly by the EPA.

I look forward to discussing these matters with you gentlemen next week and determining if we will be completing this document. Should you wish to discuss something subsequent to our meetings next week, you can reach me at (208) 664-4588.

Sincerely,

Ed Moreen
Remedial Project Manager

Encl.

cc:
Cliff Villa, EPA Office of Regional Counsel
Nick Zilka, IDEQ
Curt Fransen, Office of the Attorney General
Phil Cernera, Coeur d'Alene Tribe
Daryl Longwell, MFG
Craig Trueblood, Preston, Gates & Ellis, LLP
Robert Lawrence, Davis, Graham & Stubbs, LLP

ENCLOSURE

EPA/IDEQ Comments on February 2007 Revised EE/CA

The U.S. Environmental Protection Agency (EPA) Region 10 and the State of Idaho Department of Environmental Quality (IDEQ) have reviewed the MFG, Inc. Consulting Scientists and Engineers (MFG) report titled *Engineering Evaluation/Cost Analysis Response Action Under the Comprehensive Environmental Response, Compensation, and Liability Act, Wallace Yard and Spur Lines* (February 2007).

In general, the EE/CA report has addressed many of the specific comments and concerns expressed by EPA and IDEQ in previous discussions and comment sessions. However, not all of the questions and/or concerns that were identified by EPA and IDEQ have been adequately addressed. Some issues have been lingering since the first version of this EE/CA was issued and are yet to be resolved in a satisfactory manner. These issues and others must be resolved in the next version of this EE/CA so that it can be finalized and incorporate public comments by September 30, 2007. If UPRR and BNSF are unable to complete the EE/CA in an acceptable manner to comply with that schedule, EPA is prepared to take the necessary actions to see that it is completed within that time frame.

COMMENTS

1– General Comment: This document has done a good job of conveying the general preferred alternative for the Wallace Yard area. Figures 1-1 thru 2-12 and 6-1 thru 6-5 are particularly informative. There are a few items noted below that require clarification.

2- General Comment: While there have been a number of concepts proposed by the Railroads for the Wallace Yard, there are a few that continue to be in conflict with the BunkerHill Mining and Metallurgical Complex OU-3 ROD (Basin ROD). Specific comments to these issues are found below with respect to the Spur Lines response and the Wallace Yard preferred alternatives, however they are not comprehensive, nor do the address each and every section affected by these issues. All such sections and language must be corrected in the EE/CA. These conflicts must be resolved and the EE/CA revised accordingly.

3- General Comment: There are a number references to the HHRA for the Basin but the conclusions are inaccurate and require revision.

4- Section 2.10.1 Paragraph 1: Discusses sampling performed by EPA in 2001. That data displays a lead level of ~ 225,000 mg/kg. That is an extremely high contamination level in the Hercules Mill Area. The mill must be looked at further to ensure that this material will be addressed appropriately.

5- Section 2.10.1 Bullets: There is not a discussion of the transport and spillage of heavy metal concentrates and waste materials by the railroad(s). This activity is a necessary component in the discussion.

6-Section 2.10.3: last bullet mentions access being denied on the Spur Lines. Please provide the locations of such denials in the EE/CA.

7 –Section 3.1.6.2: There is considerable discussion and attempts made to justify a lead action threshold of 700 mg/kg to 6400 mg/kg. While this justification is a laudable effort, there are no activities being conducted under the Basin ROD using any other threshold that 700 mg/kg. This EE/CA must be completed and be consistent with the ROD and the HHRA. In order to do so, it should use an action level of 700 mg/kg.

8-Section 3.1.8: Several bullets draw inaccurate conclusions such as the Visitor Center and Parking Area are below 700 mg/kg. The data included in the EE/CA does not back up these conclusions. This section must be written and changed to display that there will be discrete area capping in this area to ensure that alternative is protective Human Health and consistent with the Basin ROD.

9- Section 3.1.8: The threshold has been proposed to be 6400 mg/kg for the Hercules Mill area, while the remainder of the areas in Wallace Yard are based on 700 mg/kg, as they should be. The HM threshold must be revised to 700 mg/kg.

10- Section 3.1.8: The Conclusion bullets are not supported by the data or the risk assessment. They should be re-written. A 12" barrier will be necessary in all areas in the Wallace Yard to be protective.

11- Section 3.2.3: The Basin ROD focuses on Source containment and Control. The conclusions in this section and the basis are not consistent with the Basin ROD remedy. The proposed alternative needs to address discrete segments of embankment that serve as creek channel banks and are eroding. This will help to address source contributions to water quality control.

12- Section 4.2.2: RAO's are inaccurate, at anything above 700 mg/kg. Bullets and paragraphs containing references to RAO's of anything greater than 700 must be removed from the EE/CA.

13- Section 4.2.3: 7th Paragraph discusses PTMs. This paragraph must recognize that EPA data shows one site above PTM standards and this section will be resampled to see if it can be located. It should also be noted that no other PTM have been identified within the scope of this EE/CA.

14- Section 6.1.2: Table - Visitors Center needs to include 12" barrier for discrete areas based on sampling.

15- Section 6.1.3: Table - The remedy must be 12" to be consistent with Basin ROD.

16-Section 6.1.5: WY-2 must be a 12' remedy, please change the document and all supporting information.

17- Section 6.1.6: Hercules Mill Site must be re-sampled to verify the presence/absence of PTMs. The cap in this area must be 12". Also access to the Mill foundations must be obliterated. Please correct this section.

18-Section 6.2: Tables, bullets, text. The spur line remediation must be consistent with the Basin ROD and the action level is 700 mg/kg. In essence, all accessible areas should be remediated that exceed the 700 mg/kg Pb levels with a 6" cap unless currently or likely to be a residential area, then 12" remediation.

19- Section 6.4 and all elsewhere: Other common use area must be remediated under this EE/CA, not as part of the Basin ROD.

20- Figure 1-1: Not clear if the orange red line that borders the Wallace yard is the RROW boundary or limits of the EE/CA. Please indicate both RROW and limits of EE/CA.

21- Figure 2-9: Pb exceeds action level of 700 mg/kg at several locations in WY-3. Revise Figure in Section 6 accordingly.

22- Figure 2-13, 2-15: Sample locations shown in blue section (RR covered by paved road). Where were samples collected? There must be a remedy in many of these locations –revise remedy accordingly.

23- Figure 2-15: essentially all the samples at the upper reaches in both drainages exceed the action level for the ROD. Revise the remedy in text and figures.

24- Figure 6-1 & all other locations: Change term in note 1: reclamation to response.

25- Figure 6-1, Note 5: change to obliterate access road, place barrier and install access controls.

26- All Figure 6-x: Change barrier thicknesses to 12" all areas.

27- Figure 6-2: remove "If uses as a Common Area"

28- Figure 6-3: armor both ditches to protect consolidation area. Design roadside ditch along Old Yellowstone Hwy & armor it. Stretch out consolidation area and lower if preferred by EDC.

29- Figure 6-4: armor drainage ways mentioned in Note 1.

30- Figure 6-4: Display RROW and include response to extent of RROW.

31-Consolidation Area: need to perform HEC-RAS analysis for a 100 yr event to determine where the Consolidation Area lies in relation to the 100 yr. flood plain.

32-Schedule: 9mos. should be condensed. Work should be planned so that it can be completed in 1 season. The schedule should also provide more detail, such as intermediate deliverables and review times. For example, the remedial design should include preliminary and pre-final review design submittals.

33- Common Use Areas/Spur Line Response: we do not necessarily agree with statements in the EE/CA that the common use areas are overgrown with vegetation and not readily accessible. Based on review of the soil lead concentrations in Figure 2-15 and photographs provided in Appendix A and B, it would appear that a significant portions of the spur lines designated as potential common use areas are indeed accessible and contain soil lead levels that are near or above the action level. See Table below.

Table 1 - Spur Line Common Use Area Information Provided in the EE/CA

Area	Use/Category from EE/CA	Surface Soil Lead (mg/kg)	Photo Observations
Former NPRy along North Side of Canyon Creek	Potential Common Use Areas. Visible sections of rail bed (MM 4.1 to 4.4)	8,720	Photo BC-13 shows a bare, gravel path along the creek that looks well traveled.
Former NPRy along North Side of Canyon Creek	Potential Common Use Areas. Visible sections of rail bed (MM 6.3 to end)	No samples collected	Photos BC-21 and BC-22 show bare gravel road surfaces readily accessible to nearby residential dwellings.
WIRR along South Side of Canyon Creek	Potential Common Use Areas. Visible sections of the rail bed (MM 5.7 to 6.25)	32,800	Photos BC-19 and BC-20 show bare paths that are readily accessible from the adjacent highway.
Former NPRy along Ninemile Creek	Potential Common Use Areas. Visible sections of rail bed (NM 0.5)	8,000	Photo NM-5 shows a bare, gravel path that looks well traveled.
Former NPRy along Ninemile Creek	Potential Common Use Areas. Visible sections of rail bed (NM 1.0)	6,230	Photo NM-7 shows a bare, gravel path that looks well traveled.
Former NPRy along Ninemile Creek	Potential Common Use Areas. Visible sections of rail bed (NM 1.25)	9,460	Photo NM-9 shows a bare, gravel path that looks well traveled.
Former NPRy along Ninemile Creek	Potential Common Use Areas. Visible sections of rail bed (NM 3.75 to end)	Sample at NM 4.6 = 16,500 and NM 4.75 = 52,500	No photos available for this area.

34- Remedial Design: The EE/CA leaves the option open for using either a granular cover or a vegetated soil cover. The remedial design should be clear on which type of cover is used and why. For areas not subject to heavy traffic, a vegetated soil cover should be preferred, as this type of cover allows less infiltration of rainwater to underlying contaminated soils. In addition, a warning barrier should be placed under all covers and removal areas where remaining contaminant levels exceed action levels.